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SUBJECT: HAITIAN ELECTORAL COUNCIL DEFENDS EXCLUSION OF
LAVALAS FROM SENATE ELECTIONS

REF: A. PORT-AU-PRINCE 122

[1](#)B. PORT-AU-PRINCE 157

Classified By: Amb. Janet A. Sanderson for reasons 1.4 (b) and (d)

[1](#)1. (C) Summary: Provisional Electoral Council (CEP)
President Frantz-Gerard Verret told the Ambassador on
February 11 that the CEP had never considered accepting any
Lavalas (FL) candidates for the Senate elections because no
Lavalas leader in Haiti had a documented mandate from party
leader and former President Jean-Bertrand Aristide to approve
party candidates. CEP Councilors added that a newly opened
Grievance Office could reinstate any candidates excluded due
to technical errors, but were noncommittal on whether this
process was applicable to Lavalas's excluded candidates. The
Ambassador emphasized the importance of fair, credible, and
inclusive elections. Later on February 11, the CEP gave
Lavalas leaders until February 13 to present a notarized
document from Aristide naming an authorized representative to
designate candidates for the party, a deadline FL officials
are unlikely to meet. End summary.

COUNCIL DEFENDS EXCLUSION OF LAVALAS ON TECHNICAL GROUNDS

[1](#)2. (C) Provisional Electoral Council (CEP) President
Frantz-Gerard Verret, accompanied by all CEP Councilors and
CEP Director General Pierre-Louis Opont, met with the
Ambassador and PolCouns February 11 to discuss the elections
process, and specifically the CEP's February 5 decision (ref
A) to exclude all 16 candidates representing Fanmi Lavalas.
Verret defended the Council's work, arguing that they had had
no choice but to exclude Lavalas - and 24 other prospective
candidates - because of the terms of the electoral law. He
denied the CEP had entertained the slightest political
consideration. The function of the CEP, he maintained, is
but a 'purely technical' one, to determine whether the
documents submitted by prospective candidates met the
requirements of the electoral law, the statutes of the
candidate's sponsoring party, and the 1986 decree on
political parties.

[1](#)3. (C) The electoral law, Verret said, required that each
candidate from a political party submit an attestation, in
conformity with the party's internal regulations, officially
certifying him or her as the party's candidate. While FL
Executive Committee Coordinator Maryse Narcisse had submitted
attestations in support of a slate of twelve candidates,
Verret said, neither Narcisse nor any other FL leader in

Haiti had documentation showing they were authorized to act on Aristide's behalf. The CEP had only provisionally registered the FL party's intent to run candidates in the Senate elections, on condition that FL leaders in Haiti provide a definitive authorization from Aristide. (Note: When the CEP published the list of accepted parties in early January, there was no mention of any conditions on the acceptance of Lavalas. End note.)

¶4. (C) CEP Director General Opont added that, the CEP had rejected the Lavalas candidates ''without even opening their files,'' absent Aristide's expressed mandate for Narcisse, or any other FL leader in Haiti, to represent him. The delegation of authority from Aristide from 2004 (ref B), Verret said, was not submitted in a timely fashion and its authenticity was the subject of intense debate among Lavalas partisans. In addition, another FL faction, led by former PM Yvon Neptune and Yves Cristalin, had submitted competing candidates for four vacant Senate seats, which he considered further proof that no Lavalas candidates were definitively authorized by the party's leadership to contest the elections.

NEW OFFICE RECEIVING COMPLAINTS, BUT NEXT STEPS UNCLEAR

¶5. (C) The Ambassador responded that the USG and Haitian authorities share the goal of having elections that are fair, credible, and transparent, and the U.S. will continue to support Haiti's electoral process to that end. She stated that the CEP's elimination of all FL candidates created the

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perception that the decision was politically motivated. All CEP Councilors vigorously disputed politics had anything to do with their decision. Ambassador said that we should focus on next steps and how to move the process forward. She welcomed the CEP's recent opening of a Grievance Office to receive protests from excluded candidates. She urged the CEP to keep the door open to dialogue so that the outcome of the senatorial elections will reflect the political will of the Haitian people. The USG, she said, is a strong supporter of the electoral process, and will continue to be so, but a credible election is critical to Haiti's political development.

¶6. (C) The Ambassador asked how the Grievance Office would process complaints before its closure on February 13. Councilors agreed that the CEP could overturn a rejection of a candidacy that resulted from technical error. No Councilor provided a clear account of how the CEP would proceed in the matter of the Lavalas candidates. CEP President Verret and DG Opont hinted strongly that a valid authorization from Aristide that empowered one or another FL faction leader would open the door to approving at least some FL candidates.

COUNCIL ANNOUNCES 48-HOUR DEADLINE FOR LAVALAS LEADERSHIP

¶7. (C) Later on February 11, the CEP announced that FL Executive Committee Coordinator Narcisse would have until February 13 to submit an original delegation of authority signed by Aristide, which must be notarized by a Haitian consulate overseas. (Note: The document Narcisse submitted to the CEP on February 9 was a photocopy of an original purportedly dating from 2004 and signed in Jamaica. Significant doubts have arisen regarding its authenticity. End note.) FL moderate Yves Cristalin had submitted a brief contesting the authenticity of the document, according to press reports. CEP spokesman Frantz Bernadin said that the photocopy submitted by Narcisse February 9 does not comply with the law's requirements.

COMMENT

18. (C) Embassy is now taking the public line that we will continue to support Haiti's election process, which must be open, free, democratic, and reflect the will of the entire Haitian electorate. While the CEP is at pains to demonstrate that its decisions are only technical in nature, its interpretation of the electoral law and FL internal regulations is difficult to defend. Aristide has thus far been unwilling to signal his support for any faction of Lavalas, and is unlikely to do so before the CEP's deadline expires February 13.

SANDERSON